Securities And Exchange Commission v. Heinen et al Doc. 30

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, vs. NANCY R. HEINEN, Defendant.	Case No.: C-07-2214(JF) **JOINT STIPULATION REGARDING NON-PARTY WENDY HOWELL'S MOTION TO QUASH; [PROPOSED] ORDER** Magistrate Judge Howard R. Lloyd Date: January 15, 2008 Time: 10:00 a.m. Dept: Courtroom 2, 5th Floor

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Defendant Nancy Heinen ("Heinen") and Non-Party Wendy Howell ("Howell"), by and through their respective counsel of record, **HEREBY STIPULATE AND AGREE** that:

1. Ms. Howell's motion to quash is currently scheduled to be heard on January 15, 2008 at 10:00 a.m. in front of Hon. Howard R. Lloyd.

2. Defendant Heinen hereby withdraws all subpoenas issued to Bank of Alameda, Bank of the West, Washington Mutual, Wells Fargo & Co., Western Sunrise Mortgage, California State University, Stanford University, and Non-Party Howell's former employer for records concerning Non-Party Howell.

3. Non-Party Howell hereby withdraws her motion to quash, filed with this Court on November 2, 2007, subject to Ms. Howell's right to re-file or re-notice her motion to quash if Ms. Heinen subpoenas or re-subpoenas any entities regarding Ms. Howell.

4. The hearing set for January 15, 2008, at 10:00 a.m., be removed from the Court's calendar.

5. Non-Party Howell hereby agrees to produce redacted documents from California State University, Stanford University and Ms. Howell's former employer, as agreed to by counsel.

6. By December 14, 2007, Defendant Heinen and her counsel agree to return to Ms. Howell's counsel the originals and all copies thereof of all documents provided by subpoenaed parties in advance of the subpoena date as discussed between the parties (*e.g.*, the bank records currently being held by Mr. Ehrlich).

DATED: December 10, 2007 FOLEY & LARDNER LLP

By: /s/ Pamela L. Johnston
Pamela L. Johnston
Foley & Lardner, LLP
Attorneys for Non-Party Wendy Howell

DATED: December 10, 2007

RAMSEY & EHRLICH LLP

By: /s/ Miles Ehrlich
Miles Ehrlich
Ismail Ramsey
Attorneys for Defendant Nancy Heinen

ORDER

Pursuant to the foregoing STIPULATION of the parties:

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DATED: December __, 2007 By: ______________________________

Hon. Howard R. Lloyd
Magistrate Judge, United States District Court